

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for courtesies extended during the Examiner Interview conducted on August 24, 2007.

Disposition of Claims

Claims 22-32 are currently pending in this application. Claims 22, 25, 27, 29, and 31 are independent. The remaining claims depend, directly or indirectly, from independent claims 22, 25, 27, 29, and 31.

Claim Amendment

Claims 27 and 31 have been amended to remove the term "if" and correct minor typographical errors. No new matter has been added by any of the aforementioned amendments.

Rejections under 35 U.S.C. § 112

Claims 27, 28, 31, and 32 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Independent claims 27 and 31 have been amended by this reply to claim actual positive recitations of steps that are performed. Thus, Applicant asserts that the amended independent claims are no longer indefinite, and that the last paragraph of each claim is in fact a required portion of each independent claim. Dependent claims 28 and 32 satisfy 35 U.S.C. § 112, second paragraph, for at least the same reasons as amended independent claims 27 and 31. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 22-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,505,774 ("Fulcher") in view of WO 96/11453 ("Ilen"). This rejection is respectfully traversed.

MPEP § 2143 states that "[t]he key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In the Office Action mailed June 1, 2007, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. § 103, has described the various claimed elements taught by Fulcher and the various claimed elements taught by Ilen. *See* Office Action mailed June 1, 2007, pages 4-5. However, the Examiner does not rely on Ilen for teaching all the elements that Fulcher lacks. In fact, the Examiner asserts that although Fulcher fails to teach particular limitations of the claims, other teachings within Fulcher can be used to render the claimed limitations lacking in Fulcher as obvious according to one skilled in the art. *Id.* However, MPEP § 2141(C) states that "Any obviousness rejection should include, either explicitly or implicitly in view of the prior art applied, an indication of the level of ordinary skill." Applicants assert that the Examiner's rationale for rejecting the present claims does not meet the standards set forth in *KSR*, as the Examiner has failed to indicate or identify who one of ordinary skill is in articulating the present rejection of the claims based on Fulcher and Ilen. In view of the above, Applicant respectfully requests the Examiner to issue a new non-final Office Action, which articulates an indication of the level of ordinary skill, as required by the Supreme Court.

Notwithstanding the above, Applicants respond to the aforementioned rejection as follows. First, the Applicant reiterates all arguments presented in the Request for Continued Examination mailed on February 23, 2007. Second, the Applicant also sets forth the following additional arguments.

With respect to the motorist entering the identification of the parking ticket machine, the Examiner notes that Fulcher teaches that "the motorist identifies the vehicle space they are parking in," which the Examiner equates to identification of the parking ticket machine by a motorist. *See* Office Action mailed June 1, 2007, page 5. The Examiner further asserts that one of ordinary skill in the art¹ at the time the invention was made would have found it obvious to identify the parking ticket machine a motorist is parked at, which will identify a space you are parked at or the zone where you are parked. *Id.* Applicant respectfully disagrees with the Examiner's assertions.

Specifically, Applicant asserts that the identification of the parking ticket machine is not used to subsequently identify a parking spot of the motorist's vehicle. Rather, the parking ticket machine is identified by an identifier so that information can be transmitted to the parking ticket machine identified by the identifier and a parking ticket can be printed by that particular ticket machine. Clearly, an identifier specifying a parking *space* and an identifier specifying a ticket *machine* are distinct from each other, and provide different types of information to the parking server. In fact, in the present invention, the parking spot of the motorist may not even be associated with the parking ticket machine. Said another way, the identification of a particular ticket machine has nothing to do with the parking spot at which the motorist's vehicle is parked, but rather, is used to obtain a parking ticket by the motorist. For the reason's stated above, Applicant asserts that it is

¹ Though, as noted above, the Examiner has not provided an indication of the level of ordinary skill.

improper to equate the identification of a parking spot with the identification of a parking ticket machine that is configured to print and provide parking tickets to a motorist.

In view of the above, it is clear that independent claims 22, 25, 27, 29, and 31 are patentable over Fulcher and Ilen, whether considered separately or in combination. Dependent claims 23, 24, 26, 28, 30, and 32 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17221/007001).

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Respectfully submitted,

By 

Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant